

Chapter 1

Introduction

1.1 The Australian Commission for Law Enforcement Integrity (ACLEI) was established by the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act). The LEIC Act commenced operation on 30 December 2006.

1.2 The LEIC Act established a new Office of Integrity Commissioner, supported by a statutory agency, ACLEI.

1.3 The 2012-13 Annual Report of the Integrity Commissioner (annual report) was presented to the Minister for Justice, the Hon Michael Keenan MP, on 16 October 2013 and tabled in the Senate on 12 November 2013 and in the House of Representatives on 13 November 2013.

Requirements for the examination of the annual reports

1.4 Paragraph 215(1)(c) of the LEIC Act requires the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (the committee) to examine:

- (i) each annual report prepared by the Integrity Commissioner under section 201;
- (ii) any special report prepared by the Integrity Commissioner under section 204;

and report to the Parliament on any matter appearing in, or arising out of, any such annual report or special report.

Requirements for annual reports

1.5 Section 201 of the LEIC Act sets out the requirements for ACLEI annual reports. The annual report must provide details of:

- corruption issues notified to the Integrity Commissioner, dealt with by the Integrity Commissioner or referred to a government agency for investigation. Reports must include corruption issues investigated over the year and certificates issued under section 149 during the year;¹
- investigations conducted that 'raise significant issues or developments in law enforcement' and the extent to which ACLEI investigations have resulted in prosecutions or confiscation proceedings;

1 Section 149 provides that the Attorney-General may certify that disclosure of information about a matter specified in the certificate or the contents of a document specified in a certificate 'would be contrary to the public interest' on the grounds that the disclosure would prejudice the conduct of an investigation or inquiry in crime or criminal activity or for other reasons as set out in subsection 149(2) of the LEIC Act.

- trends and patterns including the nature and scope of corruption in law enforcement and other Commonwealth agencies that have law enforcement functions; and
- recommendations for changes to Commonwealth laws or administrative practices of Commonwealth government agencies.

1.6 The 2012-13 ACLEI annual report includes a compliance index which provides a guide to the report's compliance with the requirements for annual reports under the LEIC Act.² The committee is satisfied that ACLEI has fulfilled its annual report obligations under the LEIC Act and other requirements as set out in the compliance index of the annual report. These requirements are set out in Appendix 1.

Requirements for special reports

1.7 Under section 204 of the LEIC Act, the Integrity Commissioner may prepare special reports which relate to the operations of the Integrity Commissioner or any matter in connection with the performance of the Integrity Commissioner's powers or functions under the LEIC Act.

1.8 In its report on ACLEI's 2010-11 annual report, the committee suggested that future ACLEI annual reports 'clearly state whether any special reports have been provided to the Minister and make an appropriate reference in the compliance index'.³ ACLEI has adopted this suggestion. The 2012-13 annual report states that the Integrity Commissioner gave no special reports under section 204 of the LEIC Act to the Minister during the review period.⁴

Conduct of the inquiry

1.9 The committee held a public hearing to examine the annual report on 13 February 2014. During the hearing, the committee heard evidence from the Integrity Commissioner, Mr Philip Moss and ACLEI officers. The list of witnesses is provided as Appendix 2.

Acknowledgements

1.10 The committee congratulates the Integrity Commissioner and ACLEI officers for the quality and readability of the 2012-13 annual report, and for their cooperation and engagement during the inquiry.

1.11 The committee notes that ACLEI received the bronze award in the *small FMA agency—hardcopy* category, for its annual report from the Institute of Public Administration Australia 2012-13 Annual Report Awards. The awards recognise best practice in public sector annual reports.

1.12 The committee also notes that the 2012-13 annual report marks the final annual report from the inaugural Integrity Commissioner, Mr Philip Moss. The

2 ACLEI, *Annual Report of the Integrity Commissioner 2012-13*, pp 161–163.

3 PJC-ACLEI, *Examination of the Annual Report of the Integrity Commissioner 2010-11*, p. 2.

4 ACLEI, *Annual Report of the Integrity Commissioner 2012-13*, p. 163.

committee thanks Mr Moss for his dedicated service to ACLEI over his seven year tenure as Integrity Commissioner.